

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region II
26 Federal Plaza
New York, New York 10278

JAN 11 1984

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

SCIENTIFIC CHEM PROC C/O DON RINALDI ESQ
DEROSE & RINALDI 89 FRANKLIN AVENUE
NUTLEY NJ 07110

Re: Kin-Buc Landfill - Meadow Road
Edison, New Jersey

Dear Sir or Madam:

The United States Environmental Protection Agency ("EPA") has documented the release and threatened release of hazardous substances, pollutants and contaminants at the Kin-Buc Landfill, located on Meadow Road in Edison, New Jersey. In response to the release and threatened release of hazardous substances, pollutants, and contaminants at this site, and pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq. ("CERCLA"), EPA has expended public funds in the amount of approximately \$2,400,000 (TWO MILLION FOUR HUNDRED THOUSAND DOLLARS) through preliminary actions taken to mitigate and abate releases and threatened releases from the Kin-Buc Landfill facility into the environment. EPA anticipates that additional public funds may be expended at this site to implement remedial activities as further detailed below.

Under CERCLA and other laws, parties responsible for the release or threatened release of hazardous substances into the environment from a hazardous waste site may be liable for all monies expended by the federal government to take necessary response actions at such facilities, including investigation, planning, removal, and remedial actions; such parties may also be held liable for any enforcement costs incurred by the government. Under CERCLA, responsible parties include the current and past owners and operators of a facility as well as persons who generated the hazardous substances or who were involved in transport, treatment, or disposal of those substances at the site. EPA has information which indicates that you and/or your corporation may be a responsible party within the intent of CERCLA. This information includes the records of an

owner and operator of the site (Scientific, Inc. and/or its subsidiaries, including Kin-Buc, Inc.) and the records of SCA Services, Inc. and/or the Earthline Company, in which a subsidiary of SCA Services, Inc. holds a partnership interest.

In accordance with CERCLA, the EPA undertook response actions intended to mitigate the discharge of hazardous substances into the environment. EPA's response actions included the collection and disposal of Polychlorinated Biphenyl (PCB)-contaminated oily leachate emanating from the Landfill and discharging into tributaries to the Raritan River. The portion of this response action for which CERCLA funds were expended began on or about December 11, 1980 and continued through October, 1982, at which time a responsible party, Kin-Buc, Inc., undertook continuation of the required response action. As a result of this action, EPA incurred expenses for which it intends to hold all responsible parties jointly and severally liable, as provided by CERCLA. The above-referenced response activities did not, and were not intended to, result in implementation of a long-term, permanent remedy to the environmental problems existing at the site.

On September, 23, 1983, EPA ordered 11 (ELEVEN) responsible parties to perform a set of specific activities which EPA had determined would result, if carried out fully, in a permanent remediation of the releases and threatened releases of hazardous substances to the environment at the Kin-Buc facility. That Order became effective October 7, 1983. The responsible parties named as respondents to that Order are Scientific, Inc.; Kin-Buc, Inc.; Wastequid, Inc.; Inmar Associates, Inc.; Filcrest Realty, Inc.; Marvin Mahan; Robert Meagher; SCA Services, Inc.; SCA Services of Passaic, Inc.; Anthony Gaess; and Earthline Company. The specific activities ordered as against all of the named respondents can be summarized as follows:

1. Continue to perform the interim response action, known as the "Removal Program," until such time as a permanent, long-term remedy to the environmental problems existing at the Kin-Buc Landfill is implemented. The Removal Program is identical to the response action undertaken by a responsible party, Kin-Buc, Inc., in October 1982.
2. Inventory, remove, and properly dispose of all drummed material resulting from the oil collection operation performed initially by EPA, and later by Kin-Buc, Inc., no later than 60 (SIXTY) days after the effective date of the Order.

3. Stop the discharge of all aqueous leachate into the Raritan River and its tributaries no later than 180 (ONE HUNDRED EIGHTY) days after the effective date of the Order.
4. Conduct a Remedial Investigation/Feasibility Study (RI/FS) to investigate and evaluate alternative permanent remedial actions, consistent with the National Contingency Plan, for the release and threatened release of hazardous substances from the facility. This Study shall be submitted to EPA; EPA will then select the remedial action to be implemented.
5. Implement the selected remedial action. Specifically, implementation will consist of the development of plans and specifications for, and construction of, the selected remedial action.
6. Provide for the operation and maintenance of the selected remedial action, as required, for a period of not less than 30 (THIRTY) years.

EPA has been advised by three of the respondents to its September 23, 1983 Order, SCA Services, Inc., SCA Services of Passaic, Inc., and Earthline Company, that they intend to comply with the Order. To date, all activities required by the Order have been undertaken by one of these respondents or by Kin-Buc, Inc. However, should the respondents fail to comply with the requirements of the Order at any time in the future, EPA will immediately undertake the performance of those actions necessary to carry to completion the implementation of the remedy determined by the Order to be necessary for the Kin-Buc Landfill facility. Any additional actions undertaken by EPA at the facility will be paid for, initially, with public funds. This letter serves as notice to you that all responsible parties will be held jointly and severally liable for reimbursement to the government of such expenditures, as well as for the government's previous expenditures of approximately \$2,400,000.

In the event that the respondents to EPA's Order decline to undertake the complete cleanup of the site, including any long-term operation and/or maintenance expenses which may be required by the particular remedial action taken, EPA will then invite you, along with the other responsible parties, to undertake the necessary work. This work could include the design and implementation of the remedial action upon the completion of the RI/FS by either the respondents or EPA. Should the respondents to EPA's Order fail to continue to perform the requirements of the Order, EPA will inform you of the need to initiate action and will provide you with adequate opportunity to review and comment on the feasibility study.

EPA has identified a relatively large number of potentially responsible parties associated with the environmental problems presently occurring at the Kin-Buc Landfill facility as a result of their prior generation of materials sent to the Kin-Buc Landfill for disposal. In an effort to promote communications among the parties which may result in the formation of one or more groups organized for the purpose of facilitating discussions leading to a settlement of the government's presently outstanding claims for recovery of the previously-referenced federal costs incurred to date as a result of federal response actions, following receipt of replies to this letter from all responding potentially responsible parties, EPA intends to compile a list of current names, addresses, and identities of designated contact representatives of such responding parties and to distribute a copy of such list to each party responding.

In addition, Section 104(e)(1) of CERCLA, 42 U.S.C. Section 9604(e)(1), authorizes EPA to require the submittal of certain information from parties who handle hazardous substances, as that term is defined at Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14). Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927, authorizes EPA to request certain information from parties who handle hazardous waste, as that term is defined at Section 1004 of RCRA, 42 U.S.C. Section 6904. Pursuant to the provisions of those Sections, EPA hereby requires that you or your corporation answer the questions posed in the Attachment to this letter within 30 (THIRTY) business days of receipt of this letter. Please include the company's EPA Identification Number, if it has one, in the response.

The company's failure to respond to this Request for Information within the time specified above may subject it to an enforcement action under Section 3008 of RCRA, 42 U.S.C. Section 6928. Such enforcement action may include the assessment of substantial penalties of up to \$25,000.00 (TWENTY-FIVE THOUSAND DOLLARS) per day for continued non-compliance.

EPA requests that you respond to this letter by submitting the appropriate name, address, and telephone number of a representative of your corporation, company, or proprietorship with whom EPA may communicate along with the information required in the Attachment to this letter. This reply, along with any other information relating to this matter of which you wish to apprise EPA at this time, should be sent to:

Mr. John V. Czapor
Office of Emergency and Remedial Response
U.S. Environmental Protection Agency, Region II
26 Federal Plaza
New York, New York 10278

Should circumstances require that you become involved in the response at the site as a result of the failure of the respondents to the EPA Order to continue to carry out the requirements of that Order, or if replies to this letter by you and other responsible parties indicate that meaningful discussions with one or more potentially responsible parties might produce an agreement for settlement of EPA's outstanding monetary claims as against all responsible parties for previous expenditures of federal funds necessitated by federal response actions, EPA will schedule a meeting of such responsible parties, and your representative will be so advised.

If you need further information on the nature and extent of the release and threatened release of hazardous substances from the Kin-Buc Landfill to the environment, or on EPA's determination that you may be a responsible party, you may call Mr. Czapor at (212) 264-1573.

I hope you will give these matters your immediate attention.

Sincerely yours,

A handwritten signature in cursive script, reading "William J. Librizzi". The signature is written in dark ink and is positioned above the typed name and title.

William J. Librizzi, Director
Office of Emergency and Remedial Response

Attachment

ATTACHMENT
INSTRUCTIONS

In responding to this Request for Information, the following instructions shall apply:

1. A response should be made individually to each question.
2. Precede each answer with the number of the question to which it is addressed.
3. "And" as well as "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of these questions any information which might otherwise be construed to be outside their scope.
4. In answering each question identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner, or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe there may be an individual who may be able to provide a more detailed or complete response to any question or who may be able to provide documents requested, state that person's name, address and telephone number.
6. Where documents are requested but are not available, state the reason for their unavailability. However, to the best of your ability, identify any such documents by stating their author, date, subject matter, number of pages, and any recipients.
7. If you cannot provide a precise answer to a question, you may approximate, but in any such instance state the reason why you cannot be more specific.
8. For each document produced in response to this request for information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
9. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101 (14) of CERCLA, 42 U.S.C. Section 9601(14).

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

The notarized signature of an officer or other responsible official of your company, or of you as the sole proprietor of a business, must appear in the space provided below and must be attached to your response to this information request. Be advised that your company is under a continuing obligation to supplement its response if information is not presently known or not available to you. In addition, should you or your corporation find, at any time after the submission of its response, that any portion of the submitted information is false or in any other way misrepresents the truth, you or your corporation are under an obligation to notify EPA thereof as soon as possible. If any part of a response is found to be untrue, the signatory and company or corporation may be subject to criminal prosecution.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, Title 44 of the United States Code. You may, if you so desire, assert a business confidentiality claim covering the information submitted by placing on (or attaching to) the information, at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent and by means of procedures set forth in Subpart B, Part 2, Title 40, Code of Federal Regulations (41 Fed. Reg. 36906, September 1, 1976, as modified at 48 Fed. Reg. 39997, September 9, 1978). If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

I certify that the foregoing answers and supporting documentation to the EPA Request for Information are true, complete and accurate to the best of my knowledge and belief.

Printed Name of Person Signing

Title

Signature

Date

INFORMATION REQUESTED

1. Were any hazardous substances or wastes which your company hauled (transported), handled, or generated ever transported to, or disposed of, at the Kin-Buc Landfill in Edison, New Jersey, either by your corporation or through any other entity? If the answer is yes, please provide the date(s) on which such transportation or disposal took place.
2. Please identify the nature of the hazardous substances or wastes disposed of at the Landfill. To identify a chemical or other hazardous substance include the trade name and chemical name, composition, and its source and/or origin. If applicable, identify the manufacturing process in which the hazardous substance was generated and, if available, include a copy of any chemical analyses performed on such waste(s) or hazardous substances.
3. Did your company transport these hazardous substances directly to the Landfill, or were other transporters used? If other transporters were used, please provide the name, address, and telephone number for each, together with an identification of which deliveries were made by each.
4. If your company transported wastes to the Landfill for other companies or individuals under any arrangement, contractual or otherwise, please provide the names of those companies or individuals, along with an identification of the nature of the material.
5. Please indicate the amount of each type of hazardous substance hauled to the Landfill. For liquid wastes your answer should be in terms of volume, for solid waste, in terms of weight.
6. Please identify how these substances were containerized, e.g., drums, bulk solids, tanks, etc.
7. Please submit or identify all documents which relate to the disposal of hazardous substances or wastes at the Landfill. To identify a document, describe the nature of the document (e.g., invoice, inventory form, etc.), briefly describe the relevant information contained therein, identify by name and job title and description the person who prepared the document, and if the document is not readily available, identify where it is stored or maintained or why it is no longer available.

- **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
- ☐ Show to whom and date delivered \$
- ☐ Show to whom, date, and address of delivery .. \$
2. ☐ **RESTRICTED DELIVERY** \$
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

ARTICLE ADDRESS TO
 ENTIFIC CHEM PROC C/O DON RINALDI
 OSE & RINALDI 89 FRANKLIN AVENUE
 LEY NJ 07110

4. TYPE OF SERVICE:
- ☐ REGISTERED ☐ INSURED ☐ CERTIFIED ☐ COD ☐ EXPRESS MAIL
- ARTICLE NUMBER
 P 281 272
 883

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

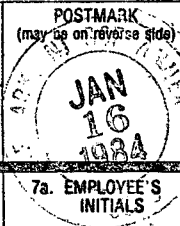
5. DATE OF DELIVERY

M. Davis

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS



RETURN RECEIPT

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PENALTY FOR PRIVATE
USE, \$300

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested"
- adjacent to number.

RETURN
TO



U.S. Environmental Protection Agency

(Name of Sender)

28 Federal Plaza

(Street or P.O. Box)

New York, New York 10278

(City, State, and ZIP Code)

SC
DE
MU

JVC

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10007

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DATE

1ST NOTICE

2ND NOTICE

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Detached from
PS Form 3849-A
Feb. 1978

SCIENTIFIC CHEM PROC C/O DON RINALDI ESQ
DEROSE & RINALDI 89 FRANKLIN AVENUE
NUTLEY NJ 07110

CERTIFIED

P 281 272 883

MAIL